

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED AGENDA (SPECIAL MEETING/EXECUTIVE SESSION ADDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, April 5, 2005

***3:00 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. Request for executive session to conduct performance review of City Charter Officers, and discuss and consult with the City's attorney(s) for legal advice, regarding the review of City Charter Officers, pending litigation and public records. Contact: Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov.
2. MOTION TO RECESS INTO EXECUTIVE SESSION
 - A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the City Attorney, City Auditor and City Clerk (City Charter Officers), including, but not limited to, discussion or consideration of confidential records and information relating to the employment of each officer. A.R.S. 38-431.03.A.1. and A.2. Contact: Neal Shearer, Human Resources General Manager, 480-312-2604, Nshearer@Scottsdaleaz.Gov.
 - B. Discussion and consultation with the City's attorney(s) for legal advice and to consider its position and instruct its attorneys regarding pending litigation, *Freedom Arizona Information v. City of Scottsdale*, Maricopa County Superior Court, No. LC 2004-000431-001 DT and discussion and consultation with representatives of the public body and consultation with the City's attorney(s) for legal advice and to consider the City's position and instruct its representatives and attorneys regarding public records. A.R.S. 38-431.03.A.3 and A.4.
 - C. Discussion and consultation for legal advice with attorney(s) from the City Attorney's Office, regarding any of the items on the Executive Session Agenda. A.R.S. 38-431.03.A.3.

Adjourn Special Meeting

CITY COUNCIL EXECUTIVE SESSION

Following the 3:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

Executive Session for any of the purposes listed on the agenda for the City Council Special Meeting called for 3:00 P.M.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Recognition of Glidden Parker Stained Glass Skylights in City Hall by Scottsdale Museum of Contemporary Art Docent Al Thiesen

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

[March 8, 2005](#)

[March 15, 2005](#)

REGULAR MEETINGS

[March 8, 2005](#)

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Sportsman's Fine Wines & Spirits (Beer and Wine Bar and Liquor Store) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer and wine bar) and a series 9 (liquor store) liquor license for an existing location that has changed ownership.
Location: 10802 N. Scottsdale Road
Reference: 9-LL-2005 and 11-LL-2005
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Sunflower Market (Beer and Wine Store) Liquor License**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a location currently operating with a series 9 liquor license.
Location: 4402 N. Miller Road
Reference: 10-LL-2005
Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Parker Place II Final Plat**
Request: Approve a final plat for 20 single-family residential lots with amended development standards on a 10+/- acre parcel.
Location: 11421 N. 124th Street, Northeast corner of 124th Street and Via Linda
Reference: 1-PP-2004
Key Items for Consideration:
 - The final plat is consistent with the preliminary plat.
 - Applicants have agreed to conform to ESLO-2 standards including 24 ft. building heights.
 - No objections have been received from neighbors.**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

4. **Cantabrica Abandonment**

Requests:

1. Abandon 20 feet of roadway and public utility easement along Jomax Road.
2. Adopt Resolution No. 6658 vacating and abandoning a public right-of-way.

Location: Southeast corner of Jomax Road and 118th Street

Reference: 18-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. **Sherman Right-of-Way Abandonment**

Requests:

1. Abandon 20 feet of roadway right-of-way along Northern Avenue.
2. Reserve an eight-foot-wide public utility easement, a partial ten-foot-wide equestrian easement and a one-foot-wide vehicular non-access easement.
3. Adopt Resolution No. 6646 vacating and abandoning a public right-of-way.

Location: 8001 N. 73rd Place, at the northeast corner of 73rd Place and Northern Avenue

Reference: 24-AB-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **Corporate Gourmet Conditional Use Permit**

Request: Consider a conditional use permit for food processing and preparation in 18,000 +/- square feet of an existing 60,000 +/- square foot building located at 7621 E Gray Road with Industrial Park (I-1) zoning.

Location: 7621 E. Gray Road in the Scottsdale Airpark

Reference: 1-UP-2005

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Notice of Intention to Increase Water and Sewer Rates and Fees**

Request: Adopt notice of intention to increase water and sewer rates and fees for fiscal year 2005/06 and establish May 17, 2005 as the date for a public hearing.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

8. **Adoption of Adjusted Water, Water Resources and Sewer Development Fees**

Requests:

1. Adopt Water Development, Water Resources Development and Sewer Development Fees adjusted with a construction cost index increase of 8.8% for Fiscal Year 2005/06 effective July 5, 2005.
2. Adopt Ordinance No. 3608, amending the Scottsdale Revised Code relating to water, sewer, and water resources development fees.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

9. **Design of the Stetson Drive Streetscape and Arizona Canal South Bank Improvements**

Request: Authorize Architectural Services Contract No. 2005-043-COS with e group inc., in the amount of \$109,430 for the design of Stetson Drive Streetscape and a portion of the Arizona Canal South Bank.

Related Policies, References:

- On May 17th, 2004 City Council approved Development Agreement No. 2004-034-COS for a South Bank Canal Mixed Use Development and Public Underground Parking Garage.
- On January 11, 2005 City Council authorized Construction Bid Award No. 05PB046 for relocation of utilities into Stetson Drive to Achen-Gardner Engineering, L.L.C.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

10. **Modification of Assessments for the Bell II Improvement District**

Request: Adopt Resolution No. 6651 which will modify improvement district assessment numbers 000.0016 and 000.0017 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

Related Policies, References:

- Council adopted Resolution 5751 declaring the intention to form the improvement district on February 4, 2001.
- Council adopted Resolution 5832 ordering work to begin within the district on June 5, 2001.
- Council adopted Resolution 5961 approving the Assessment Diagram and ordering the Sale of Not to Exceed \$7.9 Million in Improvement District (ID) Bonds on November 5, 2001.
- Council adopted Resolution 6262 approving final assessments on April 1, 2003.

11. **Amend the Scottsdale Revised Code to Reflect the Existence of the Scottsdale Fire Department**

Request: Adopt Ordinance No. 3611, amending Chapter 36, Article II, Section 36-16 Scottsdale Revised Code, by changing the definition of duly authorized agent and adding Section 36-16.1 defining Rural/Metro code references to also mean the City of Scottsdale Fire Department.

Related Policies, References: Ordinance 3588 creating a municipal fire department

Staff Contact(s): William McDonald, Fire Chief, 480-312-1880, wmcDonald@scottsdaleaz.gov; Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov

12. **Intergovernmental Agreement (IGA) to Provide Forensic Services to the Fort McDowell Yavapai Nation Police Department**

Request: Adopt Resolution No. 6657 authorizing the City to enter into Intergovernmental Agreement No. 2005-042-COS, which allows the Scottsdale Police Department to provide forensic services to the Fort McDowell Yavapai Police Department for \$32,782.

Related Policies, References: This agreement is made under the authority of Article 1, Section 3-1 of the City Charter of the City of Scottsdale. Past service was provided under the terms of Intergovernmental Agreement No. 980045.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

13. [Joint Defense Agreement for Common Defense of Dos Rios LLC v. Buckeye Irrigation District](#)

Request: Adopt Resolution No. 6660 authorizing the Mayor to enter into Agreement #2005-044-COS to jointly engage legal counsel for Common Litigation (Joint Defense Agreement), between the Cities of Scottsdale, Phoenix, Mesa, Tempe, Glendale and the Pennartz Law Firm, P.L.C., for the joint representation and defense of *Dos Rios LLC v. Buckeye Irrigation District, et. al.*, CV 2004-019064, an inverse condemnation, trespass, and negligence lawsuit.

Related Policies, References: Agreement No. 22699.

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

14. [Homeland Security Grant Program/Arizona Division of Emergency Services](#)

Requests:

1. Adopt Resolution No. 6659, authorizing the City of Scottsdale to accept Arizona Division of Emergency Services grants to purchase Personal Protection Equipment (PPE) and Millennium Respirators for the Police and Fire departments. This equipment will allow local responders to meet local response levels 1, 2 and 3, and to meet requirements to support regional and state needs.
2. Authorize the acceptance of the grants awarded by the Arizona Division of Emergency Services, resulting in a total, non-matching grants amount of \$551,000.
3. Authorize the establishment of Grant Nos. 2004-GE-T4-0051, 2003-TE-CX-0196 and 2003-MU-T3-0034 for the purpose of receiving the grant funding.

Staff Contact(s): Alan G. Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov; Marc Eisen, Homeland Security Director, 480-312-7999, meisen@scottsdaleaz.gov

15. [WestWorld Improvements](#)

Request: Authorize a Capital Improvement Budget and Revenue Transfer of \$4,120,000 within the adopted FY 04/05 Budget for the design and construction of site improvements for the WestWorld Multipurpose Building, and for design and construction of other improvements needed prior to the 2005/2006 WestWorld event season.

Related Policies, References:

- Council approved the WestWorld Master Development Site Plan on March 18, 2003.
- Development Review Board approved Case No. 41-DR-2003, WestWorld Design Guidelines, on July 10, 2003.
- Council approved Architectural Services Contract No 2004-132-COS with gh2 Gralla Architects for the design of the WestWorld Multipurpose Exhibit Hall Building on September 7, 2004.
- Council approved CM@Risk Contract No 2004-001-COS with Hunt Construction Group for pre-construction services for the WestWorld Multipurpose Exhibit Hall Building on December 14, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

16. [Marketing Agreement with Scottsdale Motor Mile Association, Inc.](#)

Request: Consider approval of Contract No. 2005-046-COS, "Marketing Services Agreement between the City of Scottsdale and the Scottsdale Motor Mile Association, Inc." and authorize funding in the 2005/2006 budget of \$300,000 for the Economic Vitality Department, Business Services Division Account No. 100-13400-52190.

Related Policies, References:

- Los Arcos Redevelopment Area authorization
- Convention and Visitor's Bureau Contract
- Downtown EMSD Contract
- McDowell Road Streetscape, Design Approval
- McDowell Road Streetscape, Construction Approval
- Economic Vitality Strategic Plan

Staff Contact(s): David Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report

Mayor and Council Items

1. [Request to provide direction to the Planning Commission regarding amending the General Plan Amendment criteria.](#)

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Adjournment